IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 13186 of 2005**

Between:

Mohd. Abbumia, S/o Sri Wahid Ali,
R/o H.No. 16-11-310/4/11, Saleemnagar Colony, Malakpet, Hyderabad.

**.....** PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad.
2 The Assistant City Planner, circle No.1, Malakpet, Hyderabad.
3 Smt. I.P.L. Vardhani, W/o Sri I. Madhusudhan Rao,
R/o H.No. 16-11-310/14/6/A, Saleemnagar , Malakpet, Hyderabad.

**.....**RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court MAY be pleased to issue a Writ, order or direction in the nature of Writ of mandamus, directing the Respondents No.1 and 2 herein to initiate action on the complaints made on 18-12-2004 , 12-2-2005 and 8-6-2005 and also as per the decree dated 12-2-1998 in O.S.No. 3280 of 1995 of the V Assistant Judge, City Civil Court, Hyderabad in accordance with the provisions of Municipal Corporation Act and the Byelaws made thereunder to remove the unauthorized construction in the interest of justice and to pass such other order or orders.

**Counsel for the Petitioner: MR.A.V.SIVAIAH**

**Counsel for the Respondent Nos.1 and 2: MR.RAMA RAO GHANTA, standing counsel for the Municipal Corporation of Hyderabad.**

**Counsel for the Respondent No.3: --**

**This Court at the admission stage made the following:**

**THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO**

WRIT PETITION No.13186 of 2005

O R D E R:

This writ petition is filed seeking to declare the inaction of the respondents 1 and 2 on the complaints dated 18-12-2004, 12-02-2005 and 08-06-2005 submitted by the petitioner and in pursuance of the decree dated 12-02-1998 in O.S.No.3280 of 1995 on the file of V Assistant Judge, City Civil Court, Hyderabad, and consequently to direct the respondents to remove the unauthorized construction.

The petitioner is a resident of H.No.16-11-310/4/11, Saleemnagar Colony, Malakpet, Hyderabad. It is stated that the third respondent constructed a shopping complex and a residential house consisting of three floors deviating the sanctioned plan. It is further stated that she had encroached the road of the colony and constructed the unauthorized constructions without leaving 20 feet frontage, which is mandatory as per law. The said constructions are causing much inconvenience for ingress and egress apart from creating noise and

sound pollution in the locality. The petitioner stated that he made several oral and written complaints to the respondent-Corporation bringing the above said facts to their notice. Subsequently, the respondent-Corporation issued a notice under Section 636 of the Hyderabad Municipal Corporation Act, 1956 to the third respondent for removal of illegal constructions and that against the said notice, the third respondent filed a suit-O.S.No.3280 of 1995 on the file of V Assistant Judge, City Civil Court, Hyderabad. The said suit was dismissed on 12-02-1998 holding that the notice issued by the Municipal Corporation is legal and valid. Accordingly, the petitioner on 08-06-2005 made another representation along with a copy of the judgment in the said suit to the respondent-Corporation, but in vain.

The grievance of the petitioner is that though he made representation dated 08-06-2005 along with the judgment in O.S.No.3280 of 1995 to the respondent-Corporation, no steps have been taken.

The learned counsel for the petitioner stated that under similar circumstances, this Court disposed of W.P.No.9924 of 2005 directing the Municipal Corporation of Hyderabad to consider the complaints of the petitioner in accordance with law.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent Nos.1 and 2 and in view of the facts and circumstances of the case, especially in view of the fact that the petitioner submitted representation dated 08-06-2005 along with the judgment in O.S.No.3280 of 1995, I deem it appropriate to dispose of the writ petition.

The writ petition is accordingly disposed of, at the admission stage, directing the respondent-Corporation to consider the representation dated 08-06-2005 submitted by the petitioner and take necessary action in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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**(ELIPE DHARMA RAO, J)**

Date:21-06-2005

Note:

Issue CC in one week.

B/o

ghn

To

1 The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad.
2 The Assistant City Planner, circle No.1, Malakpet, Hyderabad.
3 Two CD copies.